

Message Text

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C O N F I D E N T I A L EC BRUSSELS 07495

EXDIS

E.O. 11652: GDS

TAGS: EFISH, EEC, UR

SUBJECT: US-EC TALKS ON FISHING RIGHTS: GERMAN AND SOVIET ASPECTS

1. SUMMARY: SOAMES IS ANXIOUS THAT WE UNDERSTAND POLITICAL IMPLICATIONS INVOLVED IN US-EC FISHING RIGHTS ISSUE IN ADVANCE OF EXPLORATORY TALKS PROPOSED FOR LATE AUGUST AND EVENTUAL NEGOTIATIONS, PERHAPS LATER THIS YEAR. ON ONE HAND, GERMANS ARE MOST CONCERNED ABOUT QUICK AND SATISFACTORY AGREEMENT, TO POINT WHERE THEY MAY SEEK TO MOVE OUTSIDE EC FRAMEWORK TO MAKE DEAL WITH US. SOAMES URGES WE NOT PERMIT THAT TO HAPPEN. ON OTHER HAND, COMMISSION SEES POTENTIALLY "ANARCHIC" AND POSSIBLY DELICATE SITUATION DEVELOPING INVOLVING COMMUNITY, "POLICING" MEMBER STATES AND SOVIETS SHOULD LATTER CONTINUE TO REFUSE TO BARGAIN WITH COMMUNITY ONCE IT HAS DECLARED 200 MILE ZONE (PROBABLY EARLY IN 1977). MISSION SUGGESTS EXAMINATION OF POSSIBLE TRILATERAL LINKAGE AMONG US, EC AND SOVIETS ON NEGOTIATING FISHING RIGHTS, BOTH TO ACHIEVE FISHERIES POLICY OBJECTIVES AS WELL AS HELP COPE WITH POSSIBLE EUROPEAN-SOVIET CONFRONTATIONS OVER FISHING IN EC 200 MILE ZONE. END SUMMARY

2. DURING CONVERSATION WITH DCM JULY 29, SOAMES' CHEF DE
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CABINET HANNAY SAID THAT SOAMES HAD ASKED HIM TO CALL OUR

ATTENTION TO POLITICAL ASPECTS OF COMING US-EC TALKS ON FISHING RIGHTS FOR EC FISHERMEN WITHIN EVENTUAL US 200 MILE ZONE. HANNAY SAID COMMISSION IS ACUTELY AWARE OF FACT THAT, IN EVENTUAL NEGOTIATIONS WITH US AND CANADA (UNLIKE THOSE BETWEEN EC AND NORWAY, ICELAND OR - IF THEY DEVELOP - SOVIETS), EC WILL NOT BE ABLE TO OFFER DIRECT QUID-049-QUO SINCE US FISHERMEN DO NOT FISH IN COMMUNITY WATERS, EVEN WHEN EXTENDED TO 200 MILES. SOAMES THEREFORE ASKS THAT WE APPROACH NEGOTIATIONS IN TERMS OF OVERALL US-EC RELATIONS RATHER THAN JUST MATTER OF RECIPROCAL FISHING RIGHTS, AND THAT US BE AS FORTHCOMING AS POSSIBLE TO EXPECTED EC REQUEST FOR RIGHTS TO CONTINUE FISHING NEW US WATERS AT LEVELS COMPARABLE TO CURRENT CATCH.

3. HANNAY SAID THAT MAIN PRESSURE FOR CONCLUDING EARLY AGREEMENT WITH US WAS COMING FROM GERMANS, WHO, HE SAYS, HAVE THE LARGEST CURRENT STAKE IN FISHING US WATERS. HE ALLEGED THAT COMMISSION HAS EVIDENCE THAT GENSCHER HAS RAISED ISSUE BILATERALLY WITH SECRETARY, THOUGH HE HAS NOT SEEN COPIES OF SUCH COMMUNICATIONS. MAIN INTEREST OF COMMISSION, OF COURSE, IS TO KEEP EVENTUAL NEGOTIATION IN US-COMMISSION CHANNEL AND HANNAY STRONGLY URGED THAT WE NOT GIVE IN TO POSSIBLE GERMAN PRESSURE FOR BILATERAL DEAL.

4. HE SAID THAT, IN PROPOSING NEGOTIATING MANDATE FOR SUBMISSION TO EC COUNCIL IN SEPTEMBER, COMMISSION WILL STRESS THAT CONCLUSION OF EARLY AGREEMENTS WITH US, CANADA, ICELAND AND NORWAY, HAVE HIGHEST PRIORITY. IN ORDER TO KEEP GERMANS LOCKED INTO COMMUNITY SYSTEM ON FISHING POLICY, IT WILL BE VERY IMPORTANT THAT EC PRODUCE ACCEPTABLE AGREEMENT WITH US IN QUICK ORDER. HANNAY HOPES THAT INTERNAL PROCESSES WILL HAVE MOVED RAPIDLY ENOUGH TO PERMIT OPENING OF FORMAL NEGOTIATIONS WITH US DURING OCTOBER.

5. RE SOVIETS, HANNAY SAID SITUATION COULD EARLY BECOME BOTH ANARCHIC AND HIGHLY SENSITIVE. IT IS CLEAR THAT EC WILL MOVE TO EXTEND ITS WATERS TO 200 MILES AND ONLY QUESTION NOW IS WHEN. EARLIEST LIKELY TO BE JANUARY 1, 1977 AND LATEST APRIL. SOVIETS CURRENTLY FISH AN ADMITTED 500,000 TONS IN 200 MILE EC ZONE AND HANNAY THINKS

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IT IS CLOSER TO 700,000 TONS IN FACT. EC ONLY DRAWS ABOUT 90,000 IN 200 MILE SOVIET ZONE NOW, AND MUCH OF THAT IS WITHIN BERING SEA "TRIANGLE" WHICH WOULD REMAIN INTERNATIONAL ANYWAY. WHEN EC EXTENDS ITS ZONE, IT WILL, OF COURSE, BE UP TO EACH MEMBER STATE TO CONTROL AND POLICE ITS "NATIONAL" PORTION, BUT FISHING RIGHTS WITHIN THOSE AREAS WILL BE GOVERNED BY COMMUNITY LAW. IF SOVIETS REFUSE TO NEGOTIATE RECIPROCAL RIGHTS WITH "COMMUNITY", MEMBER STATES WILL BE CALLED UPON TO ENFORCE

CONTROL WITHIN THE ZONE AND THIS COULD LEAD TO DELICATE AND POTENTIALLY SERIOUS PROBLEMS. CLEARLY, IF US HAD REACHED EARLY AGREEMENT WITH EC, THIS WOULD STRENGTHEN EC HAND AND PUT ADDED PRESSURE ON SOVIETS TO DEAL.

6. GALLAGHER HOPES TO EXPLORE THESE ISSUES (STRESSING US-EC RELATIONSHIP AND GERMAN ASPECTS, BUT MAYBE BRINGING IN SOVIET PROBLEM) DURING PROPOSED TALKS WITH US IN LATE AUGUST. SOAMES WANTS US TO KNOW THAT HE IS AVAILABLE FROM EARLY SEPTEMBER SHOULD US OFFICIALS WISH TO PURSUE POLITICAL ASPECTS WITH HIM FURTHER.

7. COMMENT: APART FROM SOAMES "POLITICAL" ARGUMENTS FOR DEALING WITH THE COMMUNITY - RATHER THAN THE MEMBER STATES - THERE ARE TWO REASONS FROM A US POINT OF VIEW THAT ARGUE FOR USING COMMUNITY CHANNELS. FIRST, IN DEALING WITH THE GERMANS ALONE WE MAY FIND OUR NEGOTIATIONS COMPLICATED BY AN INTERNAL EC LEGAL DISPUTE ON COMPETENCE THAT WOULD SEVERLY CLOUD THE SUBSTANTIVE ISSUES. SECOND, IT IS WORTH EXPLORING WHETHER THE US COULD MAKE SOME DIRECT GAIN IN A TRILATERAL UNOFFICIAL LINKAGE INVOLVING EC, US AND USSR. EC STRATEGY WILL BE TO CUT BACK, PERHAPS SEVERELY, SOVIET RIGHTS IN EC WATERS; WE WILL PRESUMABLY ALSO WANT TO LIMIT SOVIET ACCESS IN ORS. SINCE EC HAS LITTLE OR NOTHING TO OFFER US DIRECTLY, WE MIGHT BE ABLE TO WORK AN ARRANGEMENT UNDER WHICH SOVIETS WOULD EXCHANGE REDUCED ACCESS IN OUR WATERS FOR BETTER THAN EC MIGHT BE WILLING TO OFFER IN EC WATERS, WITH EC COMPENSATED BY AT LEAST MAINTENANCE OF CURRENT LEVELS IN US ZONE. IN ANY CASE, POTENTIAL FOR TROUBLE INVOLVING SOVIETS, EC AND MEMBER STATES OVER FISHING RIGHTS IN EC 200 MILE ZONE SEEMS REAL ENOUGH (GIVEN SOVIET REFUSAL TO BARGAIN DIRECTLY WITH EC) AS TO WARRANT CONCERN ON OUR PART FOR LARGER ISSUE OF DESTABILIZING SOVIET-EUROPEAN CONFRONTATIONS ONCE 200

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MILE ZONE GOES INTO EFFECT, AND CAREFUL EXAMINATION OF ALL OPTIONS. HINTON

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